

Chiropractors and Osteopaths Registration Act 1997 (Tasmania, Australie)

Catégorie : Règlementation

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- Chiropractors and Osteopaths Registration Act 1997 **An Act to provide for the registration of chiropractors and osteopaths, the regulation of the practice of chiropractic and osteopathy, the repeal of the [Chiropractors Registration Act 1982](#) and for related purposes**[Royal Assent 11 December 1997]

New Page 2 Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows: - Preliminary

1. Short title This Act may be cited as the Chiropractors and Osteopaths Registration Act 1997.

2. Commencement This Act commences on a day to be proclaimed. 3. Interpretation In this Act, unless the contrary intention appears –

"applicant" means a person who submits an application to the Board;

"application" means an application to be registered as a practitioner;

"Board" means the Chiropractors and Osteopaths Registration Board;

"business address" means the address of the premises at or from which a person practises chiropractic or osteopathy;

"certificate of registration" means a certificate issued by the Board under section 28 or 35;

"chairperson" means chairperson of the Board;

"chiropractor" means a person who practises chiropractic;

"committee" means a committee established by the Board under section 11;

"committee of inquiry" means a committee that conducts an inquiry;

"complaint" means a complaint made under section 40;

"contravene" includes fail to comply;

"defendant" means a registered practitioner who is the subject of an investigation;

"disciplinary committee" means a committee that conducts an investigation;

"financial year" means the 12 month period ending on 30 June in any year;

"foreign practitioners law" means a law of a jurisdiction outside this State relating to the registration, licensing or enrolment of chiropractors or osteopaths;

"functions" includes duties;

"inquiry" means an inquiry under Division 2 of Part 3;

"**interim certificate of registration**" means an interim certificate of registration issued by the Registrar under section 22;

"**investigation**" means an investigation under Division 2 of Part 4;

"**medical practitioner**" means a registered medical practitioner;

"**member**" means member of the Board and includes the chairperson;

"**notice**" means notice in writing;

"**osteopath**" means a person who practises osteopathy;

"**physiotherapist**" means a person who is registered as a physiotherapist under the [Physiotherapists Registration Act 1999](#);

"**practise**" means, as the context requires, practise chiropractic or osteopathy;

"**practitioner**" means a chiropractor or osteopath;

"**practitioners registration authority**" means a body established under the law of another State or

of a Territory having functions similar to the functions of the Board;

"**register**" means, as the context requires, the Register of Chiropractors or the Register of Osteopaths kept by the Board under section 30;

"**registered**" means registered under this Act;

"**registered practitioner**" means a person who is registered as a practitioner;

"**Registrar**" means the Registrar of the Board appointed under section 12;

"**report**" includes publish;

"**Secretary**" means Secretary of the Department;

"**specified**" means specified in writing by the Board.**4. Act binds Crown** This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

PART 2 - Chiropractors and Osteopaths Registration Board

Division 1 - The Board

5. Continuation of Board (1) The body corporate constituted under section 4 of the *Chiropractors Registration Act 1982* continues under the name "Chiropractors and Osteopaths Registration Board". (2) The Board –

(a) has perpetual succession and a common seal; and (b) may acquire, hold, dispose of and otherwise deal with property; and (c) may sue and be sued in its corporate name.**6. Membership of Board** (1) The Board consists of –

(a) 3 registered practitioners, at least one of whom is to be a chiropractor and at least one of whom is to be an osteopath, nominated by the Minister from a list of names submitted by such bodies representing the professional interests of practitioners as the Minister determines; and (b) 2 persons, who are not practitioners, nominated by the Minister to represent the interests of the consumers of chiropractic and osteopathic services. (2) The members are appointed by the Governor. (3) The Governor may appoint a member as chairperson. (4) The Minister may request the bodies referred to in subsection (1)(a) to provide the Minister with a list of names for the purposes of that subsection. (5) If the bodies that have been requested by the Minister to provide a list of names for the purposes of subsection (1)(a) fail to provide that list within such period of not less than 2 months as is specified in the request, the Minister may nominate persons for the purposes of that subsection without further reference to those bodies. (6) Schedule 1 has effect with respect to membership of the Board. (7) Schedule 2 has effect with respect to meetings of the Board.

Division 2 - Functions, powers and objectives

7. Functions of Board The Board has the following functions:

(a) to administer the scheme of registration under Part 3; (b) to investigate complaints and, as necessary, undertake disciplinary action against registered chiropractors and osteopaths; (c) to prosecute offences against this Act; (d) to monitor the standard and provision of chiropractic and osteopathic services in this State; (e) to monitor standards of education and training in chiropractic and osteopathy; (f) to advise the Minister on matters relating to this Act; (g) such other functions as

are imposed on the Board by this or any other Act or as may be prescribed. **8. Powers of Board**

The Board has power to do all things necessary or convenient to be done in connection with the performance of its functions and, in particular, has power to –

(a) share information with practitioners registration authorities and other relevant bodies; and (b) support education and training in chiropractic and osteopathy; and (c) cause chiropractic and osteopathic business premises to be inspected; and (d) be a member of any national or other body, program or forum concerned with chiropractors or osteopaths or with general chiropractic or osteopathic education or practice or a specific area of chiropractic or osteopathic education or practice; and (e) participate in the establishment of a body, program or forum of the kind referred to in paragraph (d); and (f) hold or arrange examinations; and (g) do anything incidental to any of its powers. **9. Objectives of Board** The Board must perform its functions and exercise its powers so as to –

(a) ensure that chiropractic and osteopathic services provided to the public are of the highest possible standard; and (b) ensure that persons practise chiropractic and osteopathy according to the highest professional standard; and (c) guard against unsafe, incompetent and unethical practices.

10. Delegation The Board may delegate any of its functions or powers, other than this power of delegation, to a member of the Board, the Registrar or a committee.

Division 3 - Miscellaneous

11. Committees (1) The Board may establish such committees as it considers necessary for the purposes of assisting it in the performance of any of its functions or the exercise of any of its powers or advising it on any matter relating to this Act. (2) Except as otherwise provided in this Act, a committee comprises such persons as the Board appoints. (3) A member of the Board may be a member of a committee. (4) Subject to subsection (5), a member of a committee is entitled to be paid such remuneration, including travelling and subsistence allowances, as the Board may from time to time determine and any such remuneration is to be paid by the Board. (5) A member of a committee who is a State Service officer or State Service employee is not entitled to remuneration under subsection (4) except with the approval of the Minister administering the *State Service Act 2000*. (6) The Board may give written directions to a committee and the committee must comply with those directions. (7) A committee must keep accurate minutes of its proceedings. (8) Except as otherwise provided in this Act, a committee may regulate its own proceedings. **12. Registrar and other employees** (1) The Board must appoint a Registrar and may appoint such other employees as may be necessary for the performance of its functions and the exercise of its powers. (2) The Registrar is to act as secretary to the Board. (3) The *State Service Act 2000* does not apply to employees of the Board. **13. Use by Board of services of persons** (1) The Board may arrange with the Head of a State Service Agency for the services of State Service officers and State Service employees employed in that Agency to be made available to the Board. (2) The Board may arrange with any other person for the services of persons employed by that person to be made available to the Board. (3) The cost of making a person's services available to the Board in accordance with this section is to be met by the Board. **14. Protection from liability** (1) A person who is an employee of the Board or a member of a committee does not incur any personal liability for an act done or purported or omitted to be done by the person in good faith for the purpose of administering or executing this Act. (2) A person who makes a complaint in good faith does not incur any personal liability in respect of any loss, damage or injury suffered by another person as a result of the making of the complaint.

Division 4 - Finance and reports

15. Funds of Board (1) The Board is to keep such authorised deposit-taking institution accounts as it considers necessary. (2) The funds of the Board are to be paid to the credit of such of the accounts referred to in subsection (1) as the Board determines and are to consist of –

(a) money received by way of fees, fines, penalties and charges paid to or recovered by the Board; and(b) any money borrowed by the Board; and(c) any money received by the Board from other sources. (3) The funds of the Board are to be applied –

(a) in payment or discharge of the expenses, charges and obligations incurred or undertaken by the Board in the performance of its functions and the exercise of its powers; and(b) in the payment of any remuneration payable by the Board. (4) The Board may invest any money that it is holding in any manner in which a trustee is authorised by law to invest trust funds. **16. Audit** (1) The accounts and records of the Board are subject to the *Financial Management and Audit Act 1990*. (2) The Board must pay into the Consolidated Fund such amounts as the Treasurer may require towards the reasonable costs and expenses of audits conducted pursuant to this section.

17. Accounts The Board must keep proper accounts and records of its financial affairs and, not later than 15 August after the end of each financial year, prepare a statement of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the Board for that financial year. **18. Annual report** (1) The Board must, not later than 31 August after the end of each financial year, give the Minister a report on its operations for that financial year. (2) The report is to incorporate the audited statement of accounts prepared for the relevant financial year under section 17. (3) The Minister may, in writing, direct the Board to prepare the report in a particular way or to include particular information in the report. (4) The report may be appended to the annual report of the Department. (5) Subsection (4) has effect notwithstanding section 36(3) of the *State Service Act 2000* and section 27(2) of the *Financial Management and Audit Act 1990*. (6) If the Board's report is not appended to the annual report of the Department, the Minister must cause the Board's report to be laid before each House of Parliament by not later than 31 October after the end of the financial year to which it relates.

PART 3 - Registration

Division 1 - Applying for registration

19. Who may apply for registration? (1) A person may apply to the Board to be registered as a chiropractor if –

(a) the person has a qualification that is approved by, or obtained from an institution that is accredited by, a prescribed national chiropractic body or forum; or(b) the person has passed a qualifying examination in chiropractic held by that national chiropractic body or forum. (2) A person may apply to the Board to be registered as an osteopath if –

(a) the person has a qualification that is approved by, or obtained from an institution that is accredited by, a prescribed national osteopathic body or forum; or(b) the person has passed a qualifying examination in osteopathy held by that national osteopathic body or forum.

20. Application requirements (1) An application is to be –

(a) in a form approved by the Board; and(b) lodged with the Registrar; and(c) accompanied by the prescribed application fee and prescribed annual registration fee; and(d) accompanied by such information or evidence as the Board requires. (2) The Board may require an applicant to provide such further information or evidence as it considers necessary in order to consider the application. (3) The Board may waive the payment of all or part of the prescribed application fee or prescribed annual registration fee.

Division 2 - Determination of entitlement

21. Entitlement to registration (1) Subject to subsection (2), an applicant is entitled to be registered as a practitioner if the Board is satisfied that the applicant –

(a) is eligible to apply for registration; and(b) has sufficient physical capacity, mental capacity and skill to practise; and(c) is of good fame and character; and(d) has an adequate command of the English language; and(e) is an Australian citizen or resides in a State or Territory of the Commonwealth. (2) The Board may determine that an applicant is not entitled to be registered if it is not satisfied that the applicant, when practising, will have adequate professional indemnification arrangements.

22. Interim registration (1) The Registrar may grant an applicant interim registration if the Registrar reasonably considers that the applicant is entitled to be registered as a practitioner but that it is not practicable to wait until the Board can consider the application. (2) In determining whether or not to grant interim registration, the Registrar may have regard to such matters, including the applicant's professional indemnification arrangements, as the Registrar thinks fit. (3) Interim registration may be granted unconditionally or subject to conditions. (4)

The Registrar must issue an interim certificate of registration to a person who is granted interim registration. (5) The interim certificate of registration is to be in such form, and contain such information, as the Registrar determines. (6) A person to whom interim registration is granted is taken to be a registered practitioner for the period during which the interim registration is in force subject to the conditions, if any, determined by the Registrar and specified in the interim certificate of registration. (7) An interim registration is in force from the date on which it is granted until the date on which the person to whom it has been granted receives notice that the Board has –

(a) registered the person; or(b) refused to register the person; or(c) cancelled the person's interim registration. (8) The Board may cancel a person's interim registration for any reason it considers sufficient. (9) If the Board decides to cancel a person's interim registration it must immediately serve on the person notice of its decision and the reasons for its decision. (10)

The person's interim registration is cancelled when service of the notice is effected. **23. Inquiry into entitlement** (1) The Board may hold an inquiry to determine the entitlement of an applicant to be registered. (2) Unless the Board determines otherwise, an inquiry is to be conducted by a committee established pursuant to section 11 and constituted by not less than 3 persons at least 2 of whom are to be –

(a) registered chiropractors if the applicant is seeking registration as a chiropractor; or(b) registered osteopaths if the applicant is seeking registration as an osteopath. (3) A committee established for the purposes of this section is called a committee of inquiry. (4) Schedule 3 has effect in relation to the powers and procedures of committees of inquiry. (5) In a case to which this section applies, the Registrar must give notice to the applicant and the Secretary of –

(a) the reasons for holding the inquiry; and(b) the date, time and place set for the hearing of the inquiry. (6) A notice under subsection (5) given to an applicant is to inform the applicant of the applicant's right to be represented in the inquiry. (7) A notice under subsection (5) is to be given to the applicant at least 14 days before the date, or the first date, set for the hearing of the inquiry. **24. Recommendation of committee of inquiry** (1) After conducting an inquiry, a

committee of inquiry must provide the Board with a written report containing –
(a) a recommendation as to whether the applicant is entitled to be registered as a practitioner and, if so, whether the registration should be unconditional or subject to conditions; and (b) if the committee recommends that the applicant is entitled to be registered subject to conditions – a further recommendation as to what those conditions should be. (2) A report under subsection (1) is also to –
(a) contain any findings on questions of fact and the evidence or other material on which the findings are based; and (b) set out the reasons for any recommendation.

Division 3 - Grant or refusal of registration

25. Determination of application (1) In this section –
"agreed period" means a period agreed upon by the Board and the applicant for the purposes of this section. (2) If the Board is satisfied that an applicant is entitled to be registered it must register the applicant and it may do so unconditionally or subject to conditions. (3) In a case to which subsection (2) applies, the Board must give notice to the applicant of –
(a) the applicant's registration; and (b) if the registration is conditional – the conditions to which the registration is subject and the applicant's rights of appeal and review in respect of those conditions. (4) If the Board is not satisfied that an applicant is entitled to be registered it must refuse to register the applicant. (5) If the Board does not register an applicant within a period of 3 months or a further agreed period after his or her application is lodged the Board is taken to have refused to register the applicant. (6) In a case to which subsection (4) or (5) applies, the Board must –
(a) give the applicant notice of the refusal to register the applicant, the reasons for the refusal and the applicant's right of appeal; and (b) refund the annual registration fee that accompanied the application.
26. Special grounds for refusing to grant registration Without limiting the matters that the Board may have regard to under section 21(1)(b) or (c), the Board may determine that an applicant is not entitled to be registered as a practitioner if –
(a) the applicant's authority to practise under a foreign practitioners law has been cancelled or suspended for a reason relating to the person's professional conduct or physical or mental capacity; or (b) the applicant has been convicted in Tasmania or elsewhere of a crime or an offence of a kind that, in the Board's opinion, makes it not in the public interest to allow the applicant to practise; or (c) the Board considers it is not in the public interest to grant the application because of the applicant's habitual taking of alcohol or drugs.
27. Review of registration conditions
(1) A person may, at intervals of not less than 12 months each, apply to the Board for a review of a condition to which the person's registration is made subject under section 25(2). (2) A person's right under subsection (1) is in addition to that person's right of appeal under section 54(1)(b). (3) The Board, on its own motion, may at any time review a condition to which a person's registration is made subject under section 25(2).
28. Certificates of registration
(1) The Board must issue a certificate of registration to a person who is granted registration. (2) A certificate of registration is to –
(a) be in such form and contain such information as the Board determines; and (b) specify the conditions, if any, to which the registration is subject. (3) A certificate of registration is evidence that, for the period or until the date specified in the certificate –
(a) the person named in the certificate is a registered practitioner; and (b) the person named in the certificate is entitled to practise in this State subject to the conditions, if any, specified in the certificate. (4) If the Board is satisfied that a certificate of registration has been lost or destroyed it may issue a replacement certificate, marked as such, on payment of the prescribed fee. (5) The

Board, by notice, may require a registered practitioner to surrender his or her certificate of registration to enable the Board to issue that practitioner with a new certificate of registration with amended particulars. (6) A registered practitioner who is given a notice under subsection (5) must surrender his or her certificate of registration to the Board within 14 days after receiving the notice or within such longer period as the Board may allow. Penalty:

Fine not exceeding 15 penalty units. **29. Offences in relation to certificates of registration** A person who is issued with a certificate of registration or an interim certificate of registration must not –

(a) lend or agree to lend that certificate to another person; or (b) allow that certificate to be used by another person. Penalty:

Fine not exceeding 25 penalty units.

Division 4 - Registers of practitioners

30. Registers (1) The Board must keep 2 registers, one called the Register of Chiropractors and the other called the Register of Osteopaths. (2) The Board must record the following information in the relevant register in relation to each person who is granted registration:

(a) the person's full name; (b) the person's business address; (c) the person's qualifications; (d) the date of the person's registration; (e) any conditions to which the person's registration has been made subject under section 25(2). (3) The Board must also record the following matters in the relevant register:

(a) the renewal of a person's registration; (b) the suspension of a person's registration; (c) any conditions to which a person's registration has been made subject under section 47(1)(d); (d) the removal from the register of a person's name; (e) the restoration to the register of a person's name; (f) any change in the name of a registered person; (g) any change in the business address of a registered person. (4) The relevant register may contain such other information as the Board considers necessary or appropriate. (5) A registered practitioner, or a practitioner whose registration is suspended, must, within 14 days of changing his or her name or business address, give the Board notice of the change and the new name or business address.

Penalty:

Fine not exceeding 15 penalty units. **31. Correction of registers** (1) A registered practitioner may apply to the Board to have an inaccurate or erroneous entry in a register corrected and, if the Board is satisfied that the entry is inaccurate or erroneous, it must correct that register accordingly.

(2) No fee is payable for an application under subsection (1). (3) The Board may require an applicant under subsection (1) to provide such further information or evidence as it considers necessary in order to consider the application. **32. Inspection of registers** (1) A person may, on payment of the prescribed fee, inspect either register at the office of the Board. (2) A person inspecting a register may, on payment of the prescribed fee, obtain a copy of or extract from that register. (3) The Board may waive the payment of all or part of the prescribed fee for inspecting or obtaining a copy of or extract from a register. **33. Publication of registers, &c.** (1) The Board may publish in the *Gazette* –

(a) a copy of a register or part of a register; or (b) a notice of the grant of registration to any person including any condition imposed on the registration; or (c) a notice of the removal from a register of the name of any person; or (d) a notice of the restoration to a register of the name of any person; or (e) a notice of the suspension of the registration of any person; or (f) a notice of any disciplinary action taken under section 47 in respect of a registered person. (2) The Board may provide a person with a copy of a notice referred to in subsection (1) on payment of the prescribed fee. (3) The Board may waive the payment of all or part of the prescribed fee. **34. Protection of private**

information Notwithstanding sections 32 and 33 –

(a) a register made available for public inspection need not include the information, or all the information, referred to in section 30(4); and (b) a copy of a register or part of a register published in the *Gazette* need not include the information, or all of the information, referred to in section 30(4); and (c) if the Board records a person's private address in a register, that address is not to appear in that register as made available for public inspection or be published in the *Gazette*.

35. Annual renewal of registration (1) In this section –

"due date" means –

(a) 30 June; or (b) if another date is prescribed – that date;

"registered practitioner" includes a person whose registration is suspended. (2) A registered practitioner must, on or before the due date in each year –

(a) pay the Board the prescribed annual registration fee; and (b) provide the Board with any information it may require regarding the practitioner's professional indemnification arrangements or any other matter that is relevant to the practitioner's registration. (3) The Board may waive the payment of all or part of the annual registration fee. (4) A registered practitioner who pays the prescribed annual registration fee after the due date but within 30 days after the due date is liable to pay the prescribed late fee. (5) Subject to subsections (6) and (7), the Board must immediately issue a new certificate of registration to each registered practitioner who pays the prescribed annual registration fee. (6) The Board may refuse to issue the new certificate of registration if it is not satisfied that the registered practitioner –

(a) complies with the requirements specified in section 21(1)(b), (c), (d) and (e); or (b) has adequate professional indemnification arrangements. (7) The Board must not issue a new certificate of registration to a registered person who has not practised for a period exceeding 5 years unless it is satisfied that the person complies with the requirements specified in section 21(1). (8) The name of a registered practitioner who fails to pay the prescribed annual registration fee and prescribed late fee within 30 days after the due date is to be removed from the relevant register in accordance with section 36. (9) The name of a registered practitioner who is refused the issue of a new certificate of registration pursuant to subsection (6) or (7) is to be removed from the register in accordance with section 36. (10) In a case to which subsection (9) applies, the Board must refund the prescribed annual registration fee. **36. Removal from register** (1) Subject to subsection (2) –

(a) the Board may remove from a register the name of a person who –

(i) contravenes a condition subject to which the person is registered; or (ii) fails to pay, within the time specified for payment, a fine imposed on the person under section 47(1)(c); or (iii) fails to comply with a requirement made of that person under section 47(1)(e); or (iv) fails to honour an undertaking given to the Board; and (b) the Board must remove from a register the name of a person –

(i) who dies; or (ii) who requests the Board to remove his or her name from that register; or (iii) in respect of whom the Board has made a decision under section 47(1)(a) which has taken effect; or (iv) who ceases to be registered by virtue of section 35(8); or (v) who ceases to be registered by virtue of section 35(9); or (vi) who is no longer entitled to be registered; or (vii) whose authority to practise under a foreign practitioners law has been cancelled for a reason relating to the person's professional conduct or physical or mental capacity; or (viii) who has been registered by reason of a false or misleading statement or declaration. (2) The Board must not remove a person's name from the register under subsection (1)(a) or (1)(b)(vi), (vii) or (viii) without first affording that person a reasonable opportunity to be heard. (3) If the Board removes a living person's name from the register it must, except in a case to which subsection (1)(b)(iii) applies, immediately serve on the person notice of the removal. (4) The notice is –

(a) except in a case to which subsection (1)(b)(ii) applies – to specify the reasons for the

removal; and **(b)** except in a case to which subsection (1)(b)(ii), (iii) or (iv) applies – to inform the person of his or her right of appeal. **(5)** A person ceases to be a registered practitioner when service of the notice is effected. **(6)** If the Board removes a person's name from a register it may require that a specified period must elapse or that a specified condition must be fulfilled before the person may apply for registration. **37. Deregistered person must surrender certificate** A person who is served with notice that his or her name has been removed from a register must surrender to the Board, within 7 days after service of the notice is effected or within such longer period as the Board may allow, the person's certificate of registration in relation to that register. Penalty:

Fine not exceeding 15 penalty units and a daily fine not exceeding 1.5 penalty units. **38. Restoring name on register** **(1)** Subject to this section, on payment of the prescribed restoration fee and annual registration fee the Board must restore a person's name to a register if – **(a)** the person previously requested the removal of his or her name under section 36(1)(b)(ii) and requests that his or her name be restored to the register; or **(b)** the person has had his or her name removed under section 36(1)(b)(iv) for non-payment of the prescribed annual registration fee and prescribed late fee. **(2)** The Board may waive the payment of all or part of the prescribed restoration fee. **(3)** The Board may refuse to restore a person's name to a register if it is not satisfied that – **(a)** the person complies with the requirements specified in section 21(1)(b), (c), (d) and (e); or **(b)** the person has adequate professional indemnification arrangements. **(4)** If the Board refuses to restore a person's name to a register it must, as soon as practicable, give the person notice of – **(a)** the refusal and the reasons for the refusal; and **(b)** the person's right of appeal.

39. Evidentiary provisions **(1)** A copy of an entry in a register purporting to be signed by the Registrar is evidence that the entry was duly made. **(2)** A certificate purporting to be signed by the Registrar and stating any one or more of the following matters is evidence of the matters stated:

(a) a person specified in the certificate was or was not a registered practitioner on a date or during a period specified in the certificate; **(b)** the registration of a person specified in the certificate was subject to a condition specified in the certificate on a date or for a period specified in the certificate; **(c)** the registration of a person specified in the certificate was suspended on a date or for a period specified in the certificate; **(d)** the name of a person specified in the certificate was removed from a register on a date or for a period specified in the certificate.

PART 4 - Discipline

Division 1 - Complaints

40. Making complaints **(1)** A person who is aggrieved by the conduct of a registered practitioner may complain to the Board. **(2)** A complaint may be made and dealt with under this Part even though the person who is the subject of the complaint has ceased to be a registered practitioner and, for that purpose, a reference in this Act to a registered practitioner includes a reference to a person who has ceased to be registered or whose registration is suspended. **(3)** A complaint may be made or dealt with under this Part even though the registration of the person who is the subject of the complaint was suspended at the time of the matter complained of. **41. Specific**

matters in respect of which complaints may be made (1) Without limiting the matters in respect of which a complaint may be made, a person may complain that a registered practitioner –

(a) has been registered by reason of a false or misleading statement or declaration; or(b) no longer holds, or is no longer entitled to hold, a qualification by reason of which the practitioner was registered; or(c) lacks sufficient physical capacity, mental capacity or skill to practise; or(d) is not entitled on other grounds to be registered; or(e) is guilty of professional misconduct. (2) Without limiting the matters that may constitute professional misconduct, a registered practitioner is guilty of such misconduct if the practitioner –

(a) contravenes section 29 or 53(4) or Part 6, or a provision of the regulations that is prescribed as a disciplinary regulation; or(b) contravenes a foreign practitioners law; or(c) contravenes a condition subject to which the practitioner is registered; or(d) fails to pay, within the time specified for payment, a fine imposed on the practitioner under section 47(1)(c); or(e) fails to comply with a requirement made of the practitioner under section 47(1)(e); or(f) fails to honour an undertaking given to the Board; or(g) is negligent or incompetent in the practice of chiropractic or osteopathy; or (h) behaves in a fraudulent or dishonest manner in the practice of chiropractic or osteopathy.

42. Complaints procedure (1) A complaint is to –

(a) be made in writing; and(b) contain particulars of the matter complained of; and(c) identify the registered practitioner against whom the complaint is being made; and(d) identify the person making the complaint; and(e) be lodged with the Registrar. (2) The Registrar must ensure that a person who wishes to make a complaint is given such reasonable assistance as is necessary to enable the person to make the complaint in accordance with this section. (3) On receipt of a complaint, the Registrar must –

(a) make a record of the date on which the complaint was received; and(b) place the complaint before the Board without undue delay. (4) The Board may require the complainant to provide further particulars of the complaint.

Division 2 - Investigation of complaints

43. Investigations (1) Subject to sections 44 and 45, the Board must investigate each complaint made to it. (2) The Board, on its own motion, may investigate any matter that could be grounds for a complaint and section 40(2) and (3) apply to such an investigation as if it were a complaint. (3) The Board must, on commencing an investigation, give notice to the registered practitioner who is being investigated. (4) Unless the Board determines otherwise, an investigation is to be conducted by a committee established pursuant to section 11 and constituted by not less than 3 persons, a majority of whom are to be –

(a) registered chiropractors if the investigation concerns a chiropractor; or(b) registered osteopaths if the investigation concerns an osteopath. (5) A committee established for the purposes of this section is called a disciplinary committee. (6) Schedule 3 has effect in relation to the powers and procedures of disciplinary committees. (7) The Board may join any person as a party to proceedings in an investigation. (8) A party to proceedings in an investigation is entitled to tender evidence to the disciplinary committee or other body or person conducting the investigation and to examine any person who tenders evidence in that investigation. **44. Frivolous, vexatious and unsubstantial complaints to be dismissed** If the Board considers that a complaint is frivolous or vexatious or that the matter complained of is unsubstantial it must dismiss the complaint.

45. Procedure for less serious complaints (1) In this section –

"prescribed matter" means –

(a) a matter giving rise to a complaint against a practitioner; or(b) a matter that the Board considers

could be grounds for a complaint against a practitioner. (2) If the Board considers that a prescribed matter may not be sufficiently serious to warrant investigation, it may, by notice, require the practitioner concerned to –

(a) appear before it to give an explanation of the matter; or (b) provide it with a written explanation.

(3) If the prescribed matter relates to the physical or mental capacity of the practitioner, the Board may further require the practitioner to have a medical examination on the same terms as a medical examination required by a disciplinary committee. (4) A notice under subsection (2)(a) is to –

(a) set out particulars of the prescribed matter; and (b) state that the practitioner is entitled to make submissions when appearing before the Board but is not entitled to be represented; and (c) state that the appearance before the Board is not open to the public; and (d) inform the practitioner that he or she may request that the prescribed matter be referred directly to a disciplinary committee; and (e) inform the practitioner of the other circumstances in which the prescribed matter may be referred to a disciplinary committee; and (f) specify the date, time and place at which the practitioner is required to appear. (5) A notice under subsection (2)(b) is to –

(a) contain the same information as is specified in subsection (4)(a), (d) and (e) in relation to a notice requiring a personal appearance; and (b) specify a date by which the practitioner is required to provide the Board with the written explanation. (6) A notice may contain such other information as the Board considers necessary or expedient. (7) The date specified under

subsection (4)(f) or (5)(b) is to be not less than 14 days after the date on which the notice is served.

(8) The Board is not to take any further action in respect of a prescribed matter if, after having considered the explanation of the practitioner concerned, it is not satisfied that the matter has been substantiated. (9) If the Board is satisfied, after having considered the explanation, that the prescribed matter has been substantiated but that it is not sufficiently serious to warrant an inquiry, the Board may do either or both of the following:

(a) caution or reprimand the practitioner; (b) accept an undertaking from the practitioner to take or refrain from taking specified action. (10) The Board must refer a prescribed matter to a disciplinary committee if –

(a) the practitioner concerned fails to appear before the Board as required by a notice served under subsection (2)(a) or, before the date of appearance specified in the notice, requests in writing that the matter be so referred; or (b) the practitioner concerned fails to provide the Board with a written explanation as required by a notice served under subsection (2)(b) or, before the date on which the explanation is required to be provided, requests that the matter be so referred; or (c) in the course of giving an explanation of the prescribed matter the practitioner concerned requests, orally or in writing, that the matter be so referred; or (d) after or in the course of considering an explanation of the prescribed matter the Board determines that the matter is sufficiently serious to warrant investigation by a disciplinary committee; or (e) in a case to which subsection (9) applies –

the practitioner concerned disputes that the prescribed matter has been substantiated. (11) A meeting of the Board convened for the purposes of this section is not open to the public.

46. Recommendation of disciplinary committee After conducting an investigation, a disciplinary committee or other person or body that conducted the investigation must provide the Board with a written report on the investigation and its findings and recommendations, including any recommendations as to costs.

Division 3 - Action following investigation

47. Actions that may be taken by Board (1) On receipt of the report referred to in section 46, the Board, in its discretion, may take any one or more of the following actions:

(a) remove the defendant's name from the relevant register;(b) suspend the defendant's registration for a period not exceeding 12 months;(c) impose on the defendant a fine not exceeding 50 penalty units;(d) impose on the defendant's registration a condition subject to which the defendant may continue to practise;(e) require the defendant to take or refrain from taking specified action;(f) caution or reprimand the defendant;(g) dismiss the complaint or, in a case to which section 43(2) applies, clear the defendant. (2) In the case of an investigation relating to a matter referred to in section 41(1)(b), the Board must, unless it dismisses the complaint or clears the defendant, take at least the action specified in subsection (1)(a). (3) If the Board imposes a fine under subsection (1)(c), it must specify a period within which the fine is to be paid. (4) For the purposes of subsection (1)(e), but without limiting the generality of that subsection, the Board may require the defendant to do any one or more of the following:

(a) waive or repay the whole or any part of any fees charged to or paid by a specified person in respect of specified work;(b) be subject to periodic supervision or inspection by a specified person;(c) seek specified advice in relation to the management of his or her practice. (5) The Board, as an alternative to taking action under subsection (1)(a), (b), (c), (d), (e) or (f), may accept an undertaking from the defendant to take or refrain from taking specified action, either generally or within a specified period of time.

48. Costs and expenses of investigations (1) The Board may, in addition to exercising powers under section 47, order the defendant to pay such costs and expenses of or arising from the investigation as the Board thinks fit. (2) Subsection (1) does not apply if the Board decides to dismiss the complaint against the defendant or, in a case to which section 43(2) applies, clear the defendant. (3) If the Board decides to dismiss the complaint or clear the defendant it may, if it considers it fair to do so, pay the costs and expenses or any part of the costs and expenses incurred by the defendant in respect of the investigation. (4) Any costs or expenses ordered to be paid under subsection (1) are recoverable as a debt due to the Board.

49. Notice of decision (1) When the Board has decided what action to take under section 47, it must serve on the defendant notice of –

(a) the decision and the reasons for the decision; and(b) except in a case to which section 47(1)(g) applies – the defendant's right of appeal; and(c) any order as to costs made by the Board under section 48(1). (2) A decision of the Board under section 47(1)(a), (b), (c), (d), (e) or (f) does not take effect until –

(a) the expiration of the period within which the defendant may lodge an appeal against the decision; or(b) if the defendant lodges an appeal against the decision – the decision is confirmed or varied by the Supreme Court or the appeal is withdrawn. (3) The period referred to in subsection (2)(a) is taken to have commenced when notice of the Board's decision is served on the defendant. (4) If the Board's decision takes effect, it may do any or all of the following:

(a) give notice of its decision to such practitioners registration authorities, professional associations and other bodies as it considers appropriate to notify;(b) give notice of its decision to the Secretary;(c) cause notice of its decision to be published in any professional publication related to the practice of chiropractic or osteopathy; (d) cause notice of its decision to be published in any newspaper published and circulated generally in this State;(e) cause notice of its decision to be published in the *Gazette*.

Division 4 - Suspension

50. Suspension of registration (1) The Board may suspend the registration of a practitioner for such period not exceeding 12 months as the Board in the circumstances considers necessary or appropriate if –

(a) the practitioner contravenes a condition subject to which the practitioner is registered; or (b) the practitioner's authority to practise under a foreign practitioners law is suspended for a reason relating to the practitioner's professional conduct or physical or mental capacity; or (c) the practitioner fails to pay, within the time specified for payment, a fine imposed under section 47(1)(c); or (d) the practitioner fails to comply with a requirement made of that practitioner under section 47(1)(e); or (e) the practitioner fails to honour an undertaking given to the Board; or (f) the Board reasonably considers the suspension necessary for the purposes of investigating a complaint made against that practitioner or investigating on its own motion a matter that could be the subject of a complaint against that practitioner; or (g) the Board reasonably considers that it is in the public interest to suspend the registration. (2) The power of the Board to suspend a practitioner's registration under this section is in addition to the power of the Board to suspend that practitioner's registration under section 47(1)(b). (3) If the Board decides to suspend a practitioner's registration under this section it may afford that practitioner an opportunity to be heard but it is not required to do so. (4) If the Board decides to suspend a practitioner's registration under this section it must make an appropriate note of the suspension and the reasons for the suspension in the register and serve on the practitioner notice of – (a) the suspension and the reasons for the suspension; and (b) the practitioner's right of appeal. (5) When service of the notice is effected, the person ceases to be registered until the period of suspension specified in the notice expires or the suspension is revoked by the Supreme Court under Part 5 or by the Board under section 51. (6) A practitioner whose registration has been suspended must, if directed in writing to do so by the Board, return his or her certificate of registration to the Board within 7 days after receiving that direction or within such longer period as the Board may allow. Penalty: Fine not exceeding 15 penalty units and a daily fine not exceeding 1.5 penalty units. (7) If the Board suspends a practitioner's registration under this section it may, if it considers that it is in the public interest to do so, do any or all of the following: (a) give notice of the suspension to such practitioners registration authorities, professional associations and other bodies as the Board considers appropriate to notify; (b) give notice of the suspension to the Secretary; (c) cause notice of the suspension to be published in any professional publication related to the practice of chiropractic or osteopathy; (d) cause notice of the suspension to be published in any newspaper published and circulated generally in this State; (e) cause notice of the suspension to be published in the *Gazette*. **51. Revocation of suspension** If the Board suspends a practitioner's registration under section 50 it may at any time, for any reason it considers sufficient, revoke the suspension.

Division 5 - Miscellaneous

52. Evidence of facts found in other proceedings A finding of fact in relation to the conduct of a practitioner made in any proceedings in a court or other tribunal to which that practitioner is a party, whether in this State or elsewhere, is evidence of that fact in proceedings under this Part.

53. Inspections (1) If the Board reasonably suspects that – (a) an unregistered person may be practising chiropractic or osteopathy; or (b) there may be grounds for a complaint against a registered practitioner; or (c) there may be grounds for removing a person's name from a register or suspending a person's registration; or (d) a registered practitioner may lack the physical capacity, mental capacity or skill to practise – it may, in writing, authorise a person to act as an inspector to investigate the matter. (2) On production of the authorisation, the inspector may at any reasonable time enter the business premises of a registered practitioner or premises from which a person is apparently practising or purporting to

practise and do all or any of the following:

(a) inspect the premises generally;**(b)** require the person apparently in charge of the premises to produce for inspection any document held at the premises;**(c)** inspect and take notes of or extracts from any such document;**(d)** make a copy of any such document;**(e)** ask questions of and require answers from persons on the premises;**(f)** take photographs;**(g)** open and inspect containers or packages which the inspector reasonably suspects are used for the purpose of, or in connection with, the provision of chiropractic or osteopathic services;**(h)** examine or test any equipment held on the premises;**(i)** require a person registered or claiming to be registered to produce a certificate of registration;**(j)** if the inspector reasonably suspects that an offence has been committed against this Act, seize and, on furnishing a receipt, remove anything that in the reasonable opinion of the inspector is evidence of the offence;**(k)** remove, on furnishing a receipt, any document found on the premises to the custody and control of the Board for as long as the Board considers necessary or expedient. **(3)** If the Board is satisfied that for legitimate reasons a registered practitioner needs access to a document that has been removed from the practitioner's business premises to the custody and control of the Board under subsection (2)(k), the Board in its discretion may –
(a) grant the practitioner reasonable access to the document or to a copy of the document; or**(b)** provide the practitioner with a copy or certified copy of the document; or**(c)** retain a copy of the document and return the original to the practitioner. **(4)** A person must not give, agree to give or offer to an inspector a gift, reward or other inducement to do or abstain from doing anything in relation to an inspection under this section. Penalty:

Fine not exceeding 25 penalty units.

PART 5 - Appeals

54. Right of appeal **(1)** A person may appeal to the Supreme Court against any of the following:

(a) the refusal of the Board to register the person;**(b)** a condition to which a person's registration is made subject under section 25(2);**(c)** the removal of the person's name from a register other than under section 36(1)(b)(ii), (iii) or (iv);**(d)** the refusal of the Board to restore the person's name to a register under section 38;**(e)** the suspension of the person's registration under section 50;**(f)** the refusal of the Board to issue that person with a new certificate of registration under section 35(6) or (7);**(g)** a decision of the Board under section 47 in respect of that person.

(2) An appeal is to be made within 30 days after notice of the Board's decision is given to the affected person. **55. Hearing of appeals** At the hearing of an appeal, the Supreme Court may –

(a) confirm the decision made by the Board; or**(b)** set aside the decision made by the Board; or**(c)** set aside the decision made by the Board and substitute such other decision as the Board has jurisdiction to make as the Court specifies.

PART 6 - Offences

Division 1 - Protection of the profession

56. Offence to practise chiropractic or osteopathy if unregistered **(1)** A person who is not a

registered chiropractor or osteopath must not –

(a) manipulate the joints of the spinal column or its immediate articulations; or **(b)** use or apply a prescribed procedure. Penalty:

Fine not exceeding 50 penalty units and a daily fine not exceeding 5 penalty units. **(2)**

Subsection (1) does not apply –

(a) to a medical practitioner or physiotherapist; or **(b)** to or in respect of a person by reason only of the fact that the person applies massage to a person engaged in playing or training for a game or sport or athletics without the intention of manipulating the joints of the spinal column or its immediate articulations; or **(c)** to or in respect of a prescribed person or a person of a prescribed class or description, either generally or in prescribed circumstances. **57. False claims** **(1)** A person who is not a registered chiropractor must not hold himself or herself out, or allow himself or herself to be held out, as being a registered chiropractor. Penalty:

Fine not exceeding 25 penalty units and a daily fine not exceeding 2.5 penalty units. **(2)** A person who is not a registered osteopath must not hold himself or herself out, or allow himself or herself to be held out, as being a registered osteopath. Penalty:

Fine not exceeding 25 penalty units and a daily fine not exceeding 2.5 penalty units.

58. Unauthorised use of certain titles **(1)** A person who is not a registered chiropractor must not practise a profession or trade under –

(a) any one or more of the following titles:

(i) chiropractor, registered chiropractor, certified chiropractor, licensed chiropractor or qualified chiropractor; **(ii)** chiro, registered chiro, certified chiro, licensed chiro or qualified chiro; **(iii)** such other title as may be prescribed; or **(b)** a title that consists of, or includes, the word "chiropractic".

Penalty:

Fine not exceeding 25 penalty units and a daily fine not exceeding 2.5 penalty units. **(2)** A person who is not a registered osteopath must not practise a profession or trade under –

(a) any one or more of the following titles:

(i) osteopath, registered osteopath, certified osteopath, licensed osteopath or qualified osteopath; **(ii)** osteo, registered osteo, certified osteo, licensed osteo or qualified osteo; **(iii)** such other title as may be prescribed; or **(b)** a title that consists of, or includes, the word "osteopathic". Penalty:

Fine not exceeding 25 penalty units and a daily fine not exceeding 2.5 penalty units. **59. Provision of chiropractic and osteopathic services by bodies corporate** A body corporate must not provide a chiropractic or osteopathic service or cause or allow such a service to be provided in its name or on its behalf if, when the service is provided, it is contravening either of the following requirements: **(a)** control and supervision of the chiropractic services provided by the body corporate or in its name or on its behalf must be vested in a registered chiropractor; **(b)** control and supervision of the osteopathic services provided by the body corporate or in its name or on its behalf must be vested in a registered osteopath. Penalty:

Fine not exceeding 50 penalty units and a daily fine not exceeding 5 penalty units. **60. Advertising offences** **(1)** A person must not advertise a chiropractic or osteopathic practice or chiropractic or osteopathic services in a manner that –

(a) is or is intended to be false or misleading; or **(b)** offers a discount, gift or other inducement to attract patients unless the advertisement also sets out the conditions of the offer; or **(c)** refers to or cites actual or purported testimonials; or **(d)** unfavourably compares another chiropractic or osteopathic practice or other chiropractic or osteopathic services with that practice or those services. Penalty:

In the case of –

(a) a body corporate – a fine not exceeding 50 penalty units; or **(b)** an individual – a fine not exceeding 25 penalty units. **(2)** A person who, in good faith, publishes or prints an advertisement that contravenes subsection (1) on behalf of another person is not guilty of an offence

under that subsection.

Division 2 - General offences

61. Failure to notify Board of civil claims (1) A registered practitioner must give the Board notice within 14 days after any proceedings claiming damages or other compensation for alleged negligence in the practice of chiropractic or osteopathy are commenced against that registered practitioner. Penalty:

Fine not exceeding 15 penalty units. (2) A registered practitioner must give the Board notice within 14 days after –

(a) any proceedings claiming damages or other compensation for alleged negligence by the practitioner in the practice of chiropractic or osteopathy are withdrawn or settled; or (b) a court or other tribunal makes an order in respect of any such proceedings. Penalty:

Fine not exceeding 15 penalty units. **62. Offences of dishonesty** (1) A person must not make or produce, or cause to be made or produced, a false or misleading statement, either orally or in writing, in connection with –

(a) an application, inquiry or investigation; or (b) an investigation by an inspector under section 53. Penalty:

Fine not exceeding 25 penalty units. (2) A person must not forge or change a certificate of registration or an interim certificate of registration. Penalty:

Fine not exceeding 25 penalty units. (3) A person must not forge or change a degree, diploma or other evidence of qualifications for registration under this Act. Penalty:

Fine not exceeding 25 penalty units. **63. Obstruction, &c.** A person must not obstruct, hinder, threaten or intimidate another person –

(a) in the exercise by that other person of a power conferred by this Act; or (b) in the performance of a duty imposed on that other person by this Act. Penalty:

Fine not exceeding 25 penalty units. **64. Offences relating to inquiries and investigations, &c.**

(1) A person must not, without reasonable excuse –

(a) fail to attend an inquiry or investigation as required by summons; or (b) fail in an inquiry or investigation to comply with the requirement to affirm or be sworn; or (c) fail to produce a document when required by a committee of inquiry or disciplinary committee to do so; or (d) fail to answer questions required by a committee of inquiry or disciplinary committee to be answered. Penalty:

Fine not exceeding 25 penalty units and a daily fine not exceeding 2.5 penalty units. (2) A person may be required by a committee of inquiry or disciplinary committee to answer a question or produce a document notwithstanding that the answer to the question or the contents of the document may tend to incriminate that person. (3) If in an inquiry or investigation a person objects to answering a question or producing a document on the grounds that to do so may tend to incriminate that person, the answer to the question or the contents of the document are not

admissible in evidence in any other proceedings in respect of the person, other than proceedings in respect of an offence under section 62 or in respect of an appeal under Part 5. **65. Failure to comply with orders** (1) A person must not –

(a) fail to leave the hearing of an inquiry or investigation when ordered to do so by the committee conducting the inquiry or investigation; or (b) fail to leave a meeting of the Board when ordered to do so by the Board. Penalty:

Fine not exceeding 25 penalty units. (2) A person must not –

(a) report or otherwise disclose any proceedings of a committee of inquiry or disciplinary committee contrary to an order of that committee; or (b) report or otherwise disclose any information in respect of the proceedings of a committee of inquiry or disciplinary committee contrary to an order of that

committee. Penalty:

In the case of –

(a) a body corporate – a fine not exceeding 50 penalty units; or **(b)** an individual – a fine not exceeding 25 penalty units. **(3)** A person must not –

(a) report or otherwise disclose any proceedings of a meeting of the Board contrary to an order of the Board; or **(b)** report or otherwise disclose any information in respect of a meeting of the Board contrary to an order of the Board. Penalty:

In the case of –

(a) a body corporate – a fine not exceeding 50 penalty units; or **(b)** an individual – a fine not exceeding 25 penalty units.

PART 7 - Miscellaneous

Division 1 - Dual registration

66. Dual registration **(1)** A person may be registered as a chiropractor and as an osteopath at the same time if the person is eligible and entitled to be registered for each of those professions. **(2)** The following provisions apply to dual registrations and applications for dual registrations: **(a)** if a person who is registered either as a chiropractor or as an osteopath applies to be registered also as the other, then an application fee is payable under section 20(1)(c); **(b)** a person who applies to be registered as a chiropractor and as an osteopath may do so by the same application but, in such a case, 2 application fees are payable under section 20(1)(c); **(c)** an application of the kind referred to in paragraph (b) is to be regarded as 2 separate applications by the Registrar, the Board and the Supreme Court; **(d)** if a person is granted dual interim registration or dual registration, a separate interim certificate of registration or a separate certificate of registration is to be issued to that person for each registration; **(e)** the fact that a person is granted interim registration or registration in respect of one profession does not impose an obligation on the Registrar or the Board to grant that person interim registration or registration for the other profession; **(f)** conditions imposed on a person's interim registration or registration in respect of one profession may be the same as, or different to, the conditions, if any, imposed in respect of the person's interim registration or registration in respect of the other profession; **(g)** a person who is registered as a chiropractor and as an osteopath is required to pay only one registration fee and, if applicable, one late fee, under section 35 in respect of both registrations; **(h)** if the name of a person who is registered as a chiropractor and as an osteopath is removed from one register, the Board must immediately remove the person's name from the other register unless – **(i)** the person requested the removal; or **(ii)** the person is, by reliance on section 35(8), allowing one registration to lapse but retaining the other; **(i)** if a person is registered as a chiropractor and as an osteopath and one of those registrations is suspended for any reason, the other registration is automatically suspended; **(j)** if the suspension of a person's registration referred to in paragraph (i) is revoked, the automatic suspension of the other registration is automatically revoked; **(k)** if a person's name is restored to a register under section 38 and the person formerly held dual registration, the Board must immediately restore the name to the other register unless the person has previously notified the Board that he or she does not wish to have the dual registration restored; **(l)** in a case to which paragraph (k) applies, only one restoration fee and, if applicable, one annual registration fee is payable under section 38; **(m)** if the name of a person

holding dual registration is removed from a register and, on appeal, the Supreme Court orders that the person's name be restored to that register, the Board must immediately restore the person's name to the other register;(n) a condition imposed on a person who holds dual registration or an action required to be undertaken by such a person under section 47 may be imposed in respect of either or both of those registrations. (3) Issues arising in connection with dual registration that are not provided for in subsection (2) are to be determined by the Board having regard to the following considerations:

(a) the protection of the public;(b) fairness to the practitioners concerned;(c) the standing of the professions of chiropractic and osteopathy;(d) any previous determinations made by the Board under this subsection;(e) such other considerations as the Board considers relevant.

Division 2 - Obligations to provide information

67. Medical practitioners' notices relating to fitness to practise (1) In this section –

"prescribed instrument" means –

(a) an initial order, a continuing care order or a community treatment order under the *Mental Health Act 1996*; or (b) (c) a medical recommendation within the meaning of the *Alcohol and Drug Dependency Act 1968*. (2) A registered medical practitioner who signs a

prescribed instrument in respect of a person who the medical practitioner knows or believes to be a registered chiropractor or osteopath must, as soon as practicable after signing that prescribed instrument, give notice to the Board of that fact. Penalty:

Fine not exceeding 5 penalty units.**68. Provision of information concerning bodies corporate**

(1) In this section –

"body corporate" means a body corporate that provides chiropractic or osteopathic services or causes or allows chiropractic or osteopathic services to be provided in its name or on its behalf;

"relevant information" means information that has some relevance to chiropractic or osteopathic services. (2) A body corporate must, if the Board by notice requires it to do so, give the Board any or all of the following within the time provided by the notice:

(a) a copy of its memorandum and articles of association;(b) any information required by the notice concerning its membership, shareholdings, officers or employees;(c) any other relevant information required by the notice concerning the body corporate's structure, management or operations.

Penalty:

Fine not exceeding 50 penalty units and a daily fine not exceeding 5 penalty units. (3) A registered practitioner must, if the Board by notice requires the practitioner to do so, give the Board, within the time provided by the notice, such relevant information as is specified in the notice regarding any body corporate of which that practitioner is a member. Penalty:

Fine not exceeding 25 penalty units and a daily fine not exceeding 2.5 penalty units.

Division 3 - Administrative and legal

69. Service of documents (1) A document may be served on or given to the Board or a committee –

(a) by leaving it at, or sending it by post to, the Board's address; or (b) by sending it by way of facsimile transmission to the Board's facsimile number. (2) A document may be served on

or given to another person by –

(a) in the case of an individual –

(i) handing it to the person; or(ii) leaving it at, or sending it by post to, the person's postal or residential address or place or address of business or employment last known to the server or giver of the document; or(iii) sending it by way of facsimile transmission to the person's facsimile number; and (b) in the case of any other person –

(i) leaving it at, or sending it by post to, the person's principal or registered office or principal place of business; or(ii) sending it by way of facsimile transmission to the person's facsimile number. (3) A document sent by post is taken not to have been served or given until the time

when it would be delivered in the ordinary course of post. **70. Common seal of Board** (1) The common seal of the Board is to be kept and used as authorised by the Board. (2) All courts and persons acting judicially must take judicial notice of the imprint of the common seal on a document and presume that it was duly sealed by the Board. **71. Presumptions** In any proceedings, unless evidence is given to the contrary, proof is not required of –

(a) the constitution of the Board or a committee; or(b) any resolution of the Board or a committee; or (c) the appointment of any member of the Board or a committee; or(d) the presence of a quorum at any meeting of the Board or a committee.**72. Appropriation of fees, penalties and fines** (1) All fees payable and all penalties imposed and recovered under this Act are to be paid to the Board.

(2) A fee payable under this Act may be recovered as a debt due to the Board. (3) A fine imposed on a person under section 47(1)(c) may be recovered as a debt due to the Board. **73. No right of recovery by unregistered person, &c.** (1) Subject to subsections (2) and (3) –

(a) a person is not entitled to recover a fee or other remuneration for a service that he or she has provided on his or her own account as a chiropractor or osteopath unless he or she was a registered practitioner at the time the service was provided; and(b) a body corporate is not entitled to recover a fee or other remuneration for or in connection with a service provided in its name or on its behalf by a chiropractor or osteopath unless that chiropractor or osteopath was a registered practitioner at the time the service was provided. (2) Subsection (1) does not apply to a medical practitioner or physiotherapist recovering fees or other remuneration for providing medical or physiotherapy services. (3) Nothing in subsection (1) is to be taken as preventing a person referred to in section 56(2)(b) or (c) from recovering a fee or other remuneration for professional services lawfully provided by that person. (4) In an action for the recovery of a fee or other remuneration for a service provided by a chiropractor it is sufficient to state in the particulars of claim or demand the words "for chiropractic services". (5) In an action for the recovery of a fee or other remuneration for a service provided by an osteopath it is sufficient to state in the particulars of claim or demand the words "for osteopathic services". **74. Punishment of conduct constituting an offence** If conduct that constitutes an offence against this Act is also grounds for action under section 45, 47 or 50 –

(a) the taking of the action is not a bar to conviction and punishment for the offence; and(b) conviction and punishment for the offence is not a bar to the taking of the action.**75. Offences by bodies corporate** (1) If a body corporate commits an offence against this Act, each person concerned in the management of that body corporate is taken also to have committed the offence and may be convicted of the offence unless the person proves that the act or omission constituting the offence took place without that person's knowledge or consent. (2) A person referred to in subsection (1) may be convicted of an offence against this Act whether or not the body corporate is charged with or convicted of the offence. **76. Regulations** (1) The Governor may make regulations for the purposes of this Act. (2) Without limiting the generality of subsection (1), the regulations may –

(a) the taking of the action is not a bar to conviction and punishment for the offence; and(b) conviction and punishment for the offence is not a bar to the taking of the action.**75. Offences by bodies corporate** (1) If a body corporate commits an offence against this Act, each person concerned in the management of that body corporate is taken also to have committed the offence and may be convicted of the offence unless the person proves that the act or omission constituting the offence took place without that person's knowledge or consent. (2) A person referred to in subsection (1) may be convicted of an offence against this Act whether or not the body corporate is charged with or convicted of the offence. **76. Regulations** (1) The Governor may make regulations for the purposes of this Act. (2) Without limiting the generality of subsection (1), the regulations may –

(a) prescribe precautions to be taken to control the risk of infection in the practice of chiropractic and osteopathy and other precautions to be taken for the comfort, safety and welfare of chiropractic and osteopathic patients; or(b) prescribe continuing professional education requirements for chiropractors and osteopaths. (3) Regulations made under this section may –

(a) prescribe precautions to be taken to control the risk of infection in the practice of chiropractic and osteopathy and other precautions to be taken for the comfort, safety and welfare of chiropractic and osteopathic patients; or(b) prescribe continuing professional education requirements for chiropractors and osteopaths. (3) Regulations made under this section may –

(a) prescribe precautions to be taken to control the risk of infection in the practice of chiropractic and osteopathy and other precautions to be taken for the comfort, safety and welfare of chiropractic and osteopathic patients; or(b) prescribe continuing professional education requirements for chiropractors and osteopaths. (3) Regulations made under this section may –

(a) apply generally or be limited in their application by reference to specified exemptions or specified factors; and (b) apply differently according to different factors, limitations or restrictions of a specified kind; and (c) authorise any matter to be from time to time determined, applied or regulated by the Board. (4) Regulations made under this section may –

(a) provide that a contravention of any of the regulations is an offence; and (b) in respect of any such offence, provide for the imposition of a fine not exceeding 25 penalty units and, in the case of a continuing offence, a further penalty of a fine not exceeding 2.5 penalty units for each day during which the offence continues. (5) Regulations made under this section may contain provisions of a savings or transitional nature consequent on the enactment of this Act. (6) A provision of a regulation made pursuant to subsection (5) may, if the regulation so provides, take effect on the day referred to in section 2 or a later date.

Division 4 - Consequential and transitional

77. Repeal The *Chiropractors Registration Act 1982* is repealed. **78.** See Schedule 4. **79. Savings and transitional provisions** The savings and transitional provisions set out in Schedule 5 have effect. **80. Interim fees** Until fees are prescribed for the purposes of this Act, the fees specified in Schedule 6 are the fees that are payable under this Act in respect of the various matters to which they respectively relate. **81. Administration of Act** Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

(a) the administration of this Act is assigned to the Minister for Community and Health Services; and
 (b) the Department responsible to the Minister for Community and Health Services in relation to the administration of this Act is the Department of Community and Health Services.

SCHEDULE 1 - Provisions with respect to membership of Board

Section 6(6)

1. Term of office (1) A member is to be appointed for such period, not exceeding 3 years, as is specified in the member's instrument of appointment. (2) A member is eligible to serve any number of terms of office but may not serve more than 2 of those terms in succession.

2. Holding other office The holder of an office who is required under any Act to devote the whole of his or her time to the duties of that office is not disqualified from –

(a) holding that office and also the office of a member; or (b) accepting any remuneration payable to a member.

3. Remuneration of members A member is entitled to be paid such remuneration, including travelling and subsistence allowances, as the Minister determines.

4. Vacation of office

(1) A member vacates office if he or she –

(a) dies; or (b) resigns; or (c) is removed from office under subclause (2) or (3); or (d) ceases to be qualified for office by virtue of subclause (4). (2) The Governor may remove a member from office if the member –

(a) is absent from 3 consecutive meetings of the Board without the permission of the other members of the Board; or (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration or estate for their benefit; or (c) is convicted, in Tasmania or elsewhere, of a crime or an offence punishable by imprisonment for a period exceeding 12 months; or (d) fails, without reasonable excuse, to comply with the obligation referred to in clause 5 of Schedule 2; or (e) is convicted of an offence against this Act. (3) The Governor may remove a member from office if satisfied that the member is unable to perform the duties of office competently. (4) A member appointed under section 6(1)(a) vacates office if he or she ceases to be a registered practitioner.

5. Filling of vacancies (1) If the office of a member

becomes vacant, the Governor may appoint a person to the vacant office for the remainder of that member's term of office. (2) In the case of a vacancy in the office of a member referred to in section 6(1)(a), the person appointed to the vacant office is to be a registered practitioner.

6. Validity of proceedings, &c. (1) An act or proceeding of the Board or of a person acting under the direction of the Board is not invalid by reason only that at the time when the act or proceeding was done, taken or commenced there was a vacancy in the membership of the Board.

(2) An act or proceeding of the Board or of a person acting under the direction of the Board is valid even if –

(a) the appointment of a member of the Board was defective; or (b) a person appointed as a member of the Board was disqualified from acting as, or incapable of being, such a member.

SCHEDULE 2 - Provisions with respect to meetings of Board

Section 6(7)

1. Convening of meetings A meeting of the Board may be convened by the chairperson or by any 2 members.**2. Procedure at meetings** (1) Three members form a quorum at any duly convened meeting of the Board. (2) Any duly convened meeting of the Board at which a quorum is present is competent to transact any business of the Board. (3) Questions arising at a meeting of the Board are to be determined by a majority of votes of the members present and voting. (4) In the event of an equality of votes on a question arising at a meeting of the Board, the question stands adjourned until its next meeting.

3. Who presides at meetings (1) The chairperson is to preside at all meetings of the Board at which he or she is present. (2) If the chairperson is not present at a meeting of the Board, a member elected by the members present is to preside at that meeting.

4. Minutes The Board must keep accurate minutes of its meetings.**5. Disclosure of interest** (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board must, as soon as practicable after the relevant facts come to the knowledge of the member, disclose the nature of that interest at a meeting of the Board. (2) A disclosure under subclause (1) is to be recorded in the minutes and the member must not, unless the Board exclusive of that member determines otherwise –

(a) be present during any deliberations of the Board in relation to that matter; or (b) take part in any decision of the Board in relation to that matter. **6. Meetings to be open to public** (1) In this clause –

"meeting" does not include a meeting convened for the purposes of section 45. (2) Except as provided in subclause (3), a meeting of the Board is to be open to the public. (3) The Board may do either or both of the following at a meeting if it considers that there are compelling grounds to do so:

(a) make an order excluding any person who is not a member from the meeting; (b) make an order prohibiting the reporting or other disclosure of all or any of the proceedings at the meeting or prohibiting the reporting or other disclosure of particular information in respect of the meeting. (4) Without limiting the range of grounds that may be relevant for the purposes of subclause (3), the Board may exercise its power under that subclause if –

(a) it is dealing with privileged information or information that has been communicated to the Board in confidence; or (b) it is dealing with information concerning the personal affairs, finances or business arrangements of a registered practitioner; or (c) the disclosure of the proceedings or the information may be unfairly prejudicial to the reputation of a registered practitioner or any other person.

7. General procedures (1) Subject to this Schedule, the procedure for calling meetings of the Board and for the conduct of business at meetings of the Board is as determined by the Board. (2) The Board may permit members to participate in a particular meeting by a telephone or other means of communication. (3) A member who participates in a meeting under a permission granted under subclause (2) is taken to be present at the meeting. (4) The Board

may allow a person to attend a meeting for the purpose of advising or informing it on any matter.

8. Report to Minister The Board, if requested to do so by the Minister, must furnish the Minister with any information the Minister may require in relation to the proceedings of the Board.

SCHEDULE 3 - Powers and procedures of committees of inquiry and disciplinary committees

Sections 23(4) and 43(6)

1. Interpretation In this Schedule –

"committee" means a committee of inquiry or disciplinary committee;

"proceedings" includes inquiries and investigations. **2. Powers** A committee may –

(a) summon any person to appear before it to give evidence and produce any document specified in the summons; and (b) require any person appearing before it to produce any document; and (c) require any person appearing before it to give evidence on oath or affirmation; and (d) require any person appearing before it to answer questions; and (e) proceed with and determine any proceedings notwithstanding the absence of a person who has been summoned to appear; and (f) adjourn the hearing of any proceedings from time to time and from place to place. **3. Procedure** A committee –

(a) must conduct its proceedings with as little formality and with as much expedition as a proper consideration of the matter before it permits; and (b) is not bound by the rules of evidence; and (c) may inform itself on any matter in any way it considers appropriate; and (d) must observe the rules of natural justice. **4. Medical examinations** (1) In this clause –

"medical examination" includes an examination of the physical, psychological and mental

capacities of a person. (2) A committee, by notice, may require an applicant or defendant to have

a medical examination at the Board's expense. (3) Notwithstanding subclause (2), a disciplinary committee must not require a defendant to have a medical examination unless, having regard to the matter being investigated, it is reasonable to require that examination. (4) A notice under subsection (2) is to specify –

(a) the name of the medical practitioner or other health care provider who is to carry out the medical examination; and (b) the date, time and place of the medical examination. (5) The time and place

specified for a medical examination must be reasonable. (6) The medical practitioner or other health care provider who carries out the medical examination must provide the committee and the person examined with a written report of the results of that examination. **5. Proceedings to be open to public** (1) Except as provided in subclause (2), the proceedings of a committee are to be

open to the public. (2) A committee hearing any proceedings may, on the application of a party to the proceedings or on its own motion, do either or both of the following if it considers that there are compelling grounds to do so:

(a) make an order excluding any person from the hearing; (b) make an order prohibiting the reporting or other disclosure of all or any of the proceedings or prohibiting the reporting or other disclosure of particular information in respect of the proceedings. (3) Without limiting the range of grounds that may be relevant for the purposes of subclause (2), a committee may exercise its power under that subclause if –

(a) it is dealing with privileged information or information that has been communicated to the Board or the committee in confidence; or (b) it is dealing with information concerning the personal affairs, finances or business arrangements of a registered practitioner; or (c) the disclosure of the proceedings or the information may be unfairly prejudicial to the reputation of a registered practitioner or any other person. **6. Representation, &c.** (1) An applicant is entitled to attend

an inquiry and to be represented by a legal practitioner or any other person. (2) A defendant is entitled to attend an investigation and to be represented by a legal practitioner or any other person.

(3) The Board, at its own expense, may appoint a legal practitioner to assist a committee in conducting any proceedings. (4) The Secretary may –

(a) become a party to any proceedings; and (b) be represented in the proceedings by an employee of the Department.

SCHEDULE 4

Section 78

The amendments effected by Section 78 and this Schedule have been incorporated into authorised versions of the following Acts:

(a) *Physiotherapists' Registration Act 1951*; (b) *Workers Rehabilitation and Compensation Act 1988*.

SCHEDULE 5 - Savings and Transitional provisions

Section 79

1. Interpretation In this Schedule, unless the contrary intention appears –

"**commencement day**" means the day proclaimed under section 2;

"**former Board**" means the Chiropractors Registration Board as constituted under the repealed Act;

"**repealed Act**" means the *Chiropractors Registration Act 1982*;

"**transitional period**" means the period of 3 months immediately following the commencement day.

2. Initial Registrar (1) On the commencement day –

(a) an appointment held by an employee of the Department under section 7(1) of the repealed Act to act as secretary to the former Board lapses; and (b) the duties carried out by that employee under that appointment cease to form any part of the duties of that employee under the *Tasmanian State Service Act 1984*. (2) Notwithstanding subclause (1) –

(a) the person who was the employee referred to in that subclause immediately before the commencement day may, with the approval of the Secretary given under section 79 of the *Tasmanian State Service Act 1984*, be appointed and act as Registrar pursuant to section 12;

and (b) the person, if so appointed, may perform the functions and exercise the powers of the office of Registrar in addition to his or her duties as an employee in the State Service. (3) The appointment, if made, is to be on such terms and conditions as may be agreed between the Board and the appointee.

3. Continuation of register and entitlements (1) Until the Board prepares the registers that it is required to keep under section 30 of this Act, the Board may maintain the register that was kept by the former Board under section 20 of the repealed Act, in which case that register continues and serves for the time being as the Register of Chiropractors and also as the Register of Osteopaths for the purposes of this Act. (2) Notwithstanding subclause (1), the Board must cause the registers referred to in section 30 of this Act to be prepared before the transitional period expires and, on that expiration, the register that was kept by the former Board ceases to have effect for the purposes of this Act. (3) This clause has effect notwithstanding section 30 of this Act.

4. Continuation of registration (1) On the commencement day, a person who, immediately before that day, was registered or provisionally registered as a chiropractor under the repealed Act is –

(a) if the person had the approval of the former Board to practise under the professional description "chiropractor" – taken to be a registered chiropractor under and subject to this Act on the same conditions, if any, as applied to the person's former registration; or (b) if the person had the approval of the former Board to practise under the professional description "osteopath" – taken to be a registered osteopath under and subject to this Act on the same conditions, if any, as applied to the person's former registration; or (c) if the person had the approval of the

former Board to practise under the professional descriptions "chiropractor" and "osteopath" and taken to be a registered chiropractor and registered osteopath under and subject to this Act on the same conditions, if any, as applied to the person's former registration. **(2)** Subclause (1) applies to a person's registration under the repealed Act even if, immediately before the commencement day, that registration was suspended, but that subclause is not to be taken as revoking that suspension or as reducing the period of that suspension. **(3)** On the commencement day, a person who, immediately before that day, was registered temporarily or provisionally registered temporarily under the repealed Act is and

(a) if the person had the approval of the former Board to practise under the professional description "chiropractor" and

(i) taken to have made a valid application to be registered as a chiropractor under this Act; and **(ii)** taken to have been granted interim registration as a chiropractor under and subject to this Act on the same conditions, if any, as applied to the person's temporary registration under the repealed Act; or **(b)** if the person had the approval of the former Board to practise under the professional description "osteopath" and

(i) taken to have made a valid application to be registered as an osteopath under this Act; and **(ii)** taken to have been granted interim registration as an osteopath under and subject to this Act on the same conditions, if any, as applied to the person's temporary registration under the repealed Act; or **(c)** if the person had the approval of the former Board to practise under the professional descriptions "chiropractor" and "osteopath" and

(i) taken to have made a valid application to be registered as a chiropractor and osteopath under this Act; and **(ii)** taken to have been granted interim registration as a chiropractor and osteopath under and subject to this Act on the same conditions, if any, as applied to the person's temporary registration under the repealed Act. **(4)** In a case to which subclause (3)(a), (b) or (c) applies, the Board is to make a determination whether or not to register the person holding the interim registration before the end of the transitional period. & n sp; **(5)** If the Board refuses to register the person holding the interim registration, that person has the same right of appeal under section 54(1)(a) as a person who applies to be registered after the commencement day and is refused registration.

5. Unprocessed applications for registration An application for registration made under the repealed Act and not determined by the former Board immediately before the commencement day is to be determined by the Board as if it were a valid application made under this Act. **6. Complaints arising before commencement day** **(1)** A person may make a complaint under this Act in respect of a chiropractor or osteopath even if the conduct which is the subject of the complaint occurred or allegedly occurred before the commencement day, and that complaint may be dealt with and have the same consequences under this Act in all respects as if that complaint were a complaint made on or after the commencement day in respect of conduct of a chiropractor or osteopath that occurred or allegedly occurred on or after the commencement day.

(2) The power of the Board under section 43(2) of this Act is exercisable in respect of a matter that occurred or allegedly occurred before the commencement day and any such matter may be dealt with and have consequences under this Act in all respects the same as if it were a matter that occurred or allegedly occurred on or after the commencement day. **7. Continuation of inquiries and proceedings begun under repealed Act** **(1)** Where an inquiry begun under Part V of the repealed Act had not been concluded before the commencement day, the Board may determine that the inquiry is to be and

& mp; mp; mp; t; **(a)** terminated; or **(b)** terminated and reinstated under this Act; or **(c)** continued and concluded as if the Board were the former Board and this Act had not been enacted. **(2)** For the purposes of subclause (1), an inquiry under Part V of the repealed Act is taken not to have been concluded if the former Board had not made a determination under section 34(2) of the repealed Act or issued a caution or reprimand under section 34(4) of the repealed Act. **(3)** In

exercising its discretion under subclause (1) the Board may have regard to such matters as it considers appropriate but it must have particular regard to –

(a) how far the inquiry had progressed by the commencement day; and **(b)** fairness to the person who is the subject of the inquiry; and **(c)** if applicable, fairness to the person who made the complaint to which the inquiry relates; and **(d)** cost and inconvenience to the Board, to the persons referred to in paragraphs (b) and (c) or to any other affected persons; and **(e)** any submissions made to the Board, or the former Board, in relation to the inquiry; and **(f)** the seriousness of the conduct or matter to which the inquiry relates. **(4)** In a case to which subclause (1)(c) applies, a determination to suspend or cancel the registration of a person does not take effect – **(a)** until the expiration of the period of 14 days after notice of the determination of the Board has been served on that person; or **(b)** where the person lodges an appeal under section 38 of the repealed Act before the expiration of the period referred to in paragraph (a) – until the appeal is dealt with or withdrawn. **(5)** Where the whole or a part of a fine imposed on a person under section 34(2) of the repealed Act remained unpaid immediately before the commencement day, that fine, or the unpaid portion of that fine, may be recovered as a debt due to the Board.

8. Unfinished informal proceedings **(1)** A notice served on a person before the commencement day pursuant to section 37 of the repealed Act, requiring the person to appear before the former Board to give an explanation of a matter, is taken to be of no further effect if the date of appearance specified in the notice is a date that falls after the commencement day. **(2)** In a case to which subclause (1) applies, as soon as practicable after the commencement day the Board is to –

(a) initiate action under section 45 of this Act in respect of the matter; or **(b)** make a determination that no action be taken under this Act in respect of the matter. **(3)** For the purposes of determining which course of action to take under subclause (2) the Board may have regard to such matters as the Board considers appropriate. **(4)** If the Board makes a determination under subclause (2)(b) it must give notice of its determination to the person who was served with the notice under the repealed Act. **9. Validation** All acts, matters and things done or omitted to be done by, or done or suffered in relation to, the former Board before the commencement day have, on and after that day, the same force and effect as if they had been done by, or suffered in relation to, the Board. **10. Board members** **(1)** In this clause –

"**appointed members of the former Board**" means the members of the former Board referred to in section 4(4)(b) and (c) of the repealed Act. **(2)** The appointments of the persons who, immediately before the commencement day, were appointed members of the former Board are terminated, but those persons are, if qualified, eligible to be appointed as members of the Board under this Act. **11. Interim qualifications of applicants** **(1)** Until a national chiropractic body or forum is prescribed for the purposes of section 19(1) of this Act, a person may apply to be registered as a chiropractor if the person –

(a) holds the Degree of Bachelor of Chiropractic Science from the Royal Melbourne Institute of Technology University, in combination with the Degree of Applied Science in Clinical Science from the same University; or **(b)** holds the Degree of Master of Chiropractic from Macquarie University, Sydney, New South Wales; or **(c)** holds a qualification that the Board considers to be at least substantially equivalent to the combined qualification specified in paragraph (a) or the qualification specified in paragraph (b); or **(d)** was, at any time in the 5 year period immediately preceding the commencement day, registered as a chiropractor under the repealed Act. **(2)** Until a national osteopathic body or forum is prescribed for the purposes of section 19(2) of this Act, a person may apply to be registered as an osteopath if the person –

(a) holds the Degree of Bachelor of Osteopathic Science from the Royal Melbourne Institute of Technology University, in combination with the Degree of Applied Science in Clinical Science from the same University; or **(b)** holds a qualification that the Board considers to be at least

substantially equivalent to the combined qualification specified in paragraph (a); or(c) was, at any time in the 5 year period immediately preceding the commencement day, registered as a chiropractor under the repealed Act and had the approval of the former Board to practise under the professional description "osteopath".

SCHEDULE 6 - Interim fees

Section 80

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1. Application for registration: section 20(1)(c)	130
2. Annual registration fee: sections 20(1)(c) and 35(2)(a)	275
3. Late fee: section 35(4)	50
4. Restoration fee: section 38(1)	90
5. Fee for replacement certificate of registration: section 28(4)	40
6. Fee to inspect register: section 32(1)	10

7. Fee to obtain copy of or extract from register: section 32(2)

5 per page

8. Fee to obtain copy of notice: section 33(2)

5 per page

Table Of Amendments

ActNumber and yearDate of commencement

Chiropractors and Osteopaths Registration Act 1997No. 48 of 199710.6.1998

Financial Sector Reform (Tasmania) (Miscellaneous Amendments) Act 1999No. 74 of 1999

1.1.2000

Physiotherapists Registration Act 1999No. 106 of 19991.3.2000

State Service (Consequential and Miscellaneous Amendments) Act 2000No. 86 of 20001.5.2001

Health Complaints Amendment Act 2001No. 85 of 200122.11.2001

Statute Law Revision Act 2003No. 9 of 200316.4.2003

~~Financial Management and Audit Amendment Act 2003No. 42 of 20034.7.2003~~

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